№12 (36)
Juni 1999

The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna-96"



Friends are in sorrow...

TRAGEDY ON NYAMIGA

BANKS OF A LEGENDARY RIVER ARE COVERED WITH BLOOD AGAIN...

Remember,
that on May 30
We committed an
unpremeditated
Murder here, we killed
innocent people

(A writing on the wall at Minsk metro station "Nyamiga")

The authorities claim that natural disaster-rain is to blame for the tragedy which took place on May 30 at metro station Nyamiga. More than 50 people, who came to celebrate the second anniversary of the radio station "Mir" died of unimaginable crush at metro station "Nyamiga". Along with that holiday a tobacco company "Magna" was carrying out its "super marathon" – "Start Summer with Magna". For 10 Magna packet cigarette tops teenagers, many of them haven't reached the age of 18, were given free of charge beer. On that day the Orthodox Church celebrated one of the greatest religious holidays – Trinity. Bishop Filaret served a service in the cathedral opposite the scene of the tragedy.

The majority of witnesses believe that law enforcement troops could have prevent the tragedy – could have divided the crowd into parts, could have prevented people, seeking for a shelter from a sudden thunderstorm with hail, from rushing to the metro station.

The militia, which was at the scene of the tragedy, was unable to do the fist aid. Most of the people died of asphyxia, they could have been saved if somebody had given an artificial respiration. Teenagers were saving one another as they could...

Only those who were there can tell what happened at the metro station. Psychologists advice teenagers to forget everything what was going on Nyamiga, not to go to their friends' graves, to that station. But is it possible to make oneself forget those horrible moments...

***Sasha tells** (4 o'clock, June 2, metro station)*: "I take pill, I can't sleep. I got to know about that holiday on radio – there were announcements. The holiday began in the morning. Later a popular group "Mango-Mango" came to sing two songs. It started to rain. First it wasn't raining heavily, but a strong wind was blowing, then it began to pour. Everybody ran to the metro. They

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CHRONICLE

On 24 May, children of the nursery school № 99 were tested by speech therapist in Gomel. Among them was Frantsishak Yawseenka who from the early childhood spoke only the Belarusan language. Tests were carried out in the Russian language in the absence of Frantsishak Yawseenka's mother. Speech therapist Prymakova claimed that she did not speak and does not want to speak the Belarusan language. Given the outcomes of the test speech therapist concluded that Frantsishak Yawseenka was mentally retarded boy (does not understand the meaning of some Russian words). He was moved up into the special group for mentally retarded children.

On 28 May, president A.Lukashenka claimed that so called presidential elections carried out on May 16 were financed by the organised crime and the West. They, according to Lukashenka, spent 100 millionn US dollars. This falsehood however was confirmed by no facts.

On 29 May, Malady Front held a race along the Minsk circuitous road under the slogan «Freedom to political victims!» In spite of permission by the Minsk City Executive Council Uladzimir Antonaw, Yawgen Afnagel and Andrej Syargeew were accused of breaking the law and brought to the city Administration of Internal Affairs. Later on Syargei Shynkevich, the driver who escorted the race, was detained and deprived of the driving licence.

In May, the deputies of the National Assembly appointed by Lukashenka introduced the article 256 to the Criminal Code, which provides serious punishment for profiteers and those who are engaged in the re-sealling.

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"MIKALUTSKY'S CASE:" IF THERE ARE PEOPLE, WE WILL FIND ARTICLES...

On June 11, 1999, the judicial board of the Supreme Court of the Republic of Belarus on criminal cases examined the criminal case of Victar Yanchewsky (born in 1962), Raman Padzikowsky (1970) and Anatol Gawrylaw (1975) behind close doors (in the premises of the Supreme Court of the Republic of Belarus).

The convicts were charged with murder of head of State Control Commission of Magilew region, Yawgen Mikalutsky, and with a planned terrorist act for President of the Republic of Belarus, Alexander Lukashenka.

During the investigation all information about "Mikalutsky's case" was kept in secret for as wide audience, and the trial was behind close doors – there was neither convicts' relatives nor Mass Media representatives present. Meanwhile people can't comprehend why these very people found themselves in the dock, what is their guilt? To understand the official version we will cite some facts from the court resolution.

Yawgen Mikalutsky died on October 6 1997. In the court resolution the events are presented in the following way: "Mikalutskaya testified that at night on October 5 she heard somebody walking on the technical floor. At about 8 o'clock on October 6, 1997 she together with her husband was walking on the staircase landing and at that very moment there was an explosion in the chute. As a result she was injured and her husband died. She connects her husband's murder with his state activities... At the same time during the preliminary investigation of the terrorist act for Mikalutsky Ya.P., when the detectives had no idea of a planned terrorist act for President of Belarus Alexander Lukashenka, Gawrylaw gave a detailed testimony of preparation for the murder.

So, he testified that in spring, 1997, together with Yanchewsky and Tkachow (Valery Tkachow – a former KGB official, who dies in the prison cell under obscure circumstances) he went to Minsk several times and used to live in flat No 118, Raduzhnaya Street, 10. Tkachow told nothing to him about the purpose of his visits, he discussed all the problems only with Yanchewsky. Under Tkachow's command, he, Gawrylaw, with the help of a scanner used to look for communication frequency of President security service. Tkachow watched out of the flat window through binoculars the presidential cortege and listened on scanner the talks of a special department of read militia "Arrow". Yanchewsky used to go somewhere at night and on coming home warmed himself up in the bathroom. He saw that Tkachow together with Yanchewsky every evening used to go to Drazdy district and he understood that Yanchewsky was watching someone there. He, himself, together

(To be continued on p.7)

VERDICT WASN'T UNEXPECTED

ONE OF THE LEADERS OF MALADY FRONT, YAWGEN SKOCHKA WAS CHARGED WITH STAGING A YOUTH MARCH

On June 10 at Minsk City Court, after a 3 day examination a verdict was brought to a state offender Yawgen Skochka: deputy chairman of Malady Front was found guilty in organising mass action which impeded public order. He is sentenced to 1 year of imprisonment and was grated a year's grace. During the term of his adjournment Ya. Skochka has to register at the local militia department – in Gomel in accordance with stamping of a passport. Besides, Yawgen shouldn't break the Administrative Code (if to translate, it means he shouldn't show up in street actions of opposition during that time).

It can't be unnoticed that the court needed 20 days (with breaks) to bring a verdict to a leader of Minsk youth. Skochka's case was far from being complicated. One short sitting would have been enough for it. The matter is that Yawgen served administrative detention 2 months ago under art. 167 for quite the same actions (organisation of the march "Belarus to Europe"). But later he was charged with the same under Art. 186 of the Criminal Code. The defence pointed to illegality of this double punishment.

Nevertheless, Skochka was convicted. By the way his former administrative detention was nullified. Thus, Belarusan justice in the person of Judge Valery Kamissaraw has gained respect for punishing a person twice for one and the same crime. They ordered to forget the former verdict brought by Minsk Central Court as well as his stay in the custody centre in Prylutskaya Street. As if it had never been. The witnesses at the trial including militiamen that during the march (let it be unauthorised) there were not any cases dangerous to people. Be-sides, videotape, given by Mr. Dubavitsky is questioned. The witness himself admitted his and his friends' inefficiency in making video films and video arrangement. He is known among participants of street marches as "a man on an armoured car" (because he takes pictures and video films from a special minibus). Mikhail Dubavitsky refused to explain to the counsel for defence under what law or article of official directions he makes a video film while there are no offences on the part of participants of the action. "Is it an interrogation?" – that's an answer to the counsel.

Yawgen Skochka's civil defenders Gary Paganyayla and Barys Gyunter asked if a militia expert could classify videotapes as one of the examples of violation of human rights? An official from Criminal Investigation Department gave a nervous reply: "Are we going deeper into legislation now?" Prosecutor Chyryn, obviously, understood that all charges were not well grounded but nevertheless he demanded 2 years of imprisonment with a 2-year's grace. In fact it means deportation to Gomel where his parents live. As a result the time was 2 times less. Though the defence believes that Ya.Skochka could have been acquitted.

But the most interesting is that the state has invented a new style of working with opposition. At one of the sittings the conclusions of experts-psychologists, who examined the personal traits of the convict, were read out. According to these conclusions, Yawgen Skochka is ambitious, dissatisfied with himself and others, and aggressive. An "alone wolf" who is constantly slandering the reality and is struggling for an imaginative "justice". To put it in another words, Yawgen is not easy to deal with. That's the source of stubbornness of a young opposition member and it has nothing to do with patriotism. Thank you, experts. In Soviet times they simply diagnosed nonconformists and did it rather professionally. As to Yawgen's personal traits, even some his opponents from militia and officials didn't hide their liking to him. Shortly before bringing a verdict I met by chance the militiamen from the courtroom in the street and they asked me at once how Skochka was going on.

The verdict was not unexpected for deputy chairman of Malady Front. Yawgen's short-term objectives are the following – to enter the Academy of Art stage direction department, and he is going to continue his political activity.

Tatsyana SNITKO

REVENGE AND ENVY

THESE TWO TRAITS OF LUKASHENKO'S CHARACTER WERE THE MAIN REASONS FOR A FAMOUS 75-YEAR-OLD HEAD OF COLLECTIVE FARM VASIL STARAVOYTAW'S IMPRISONMENT

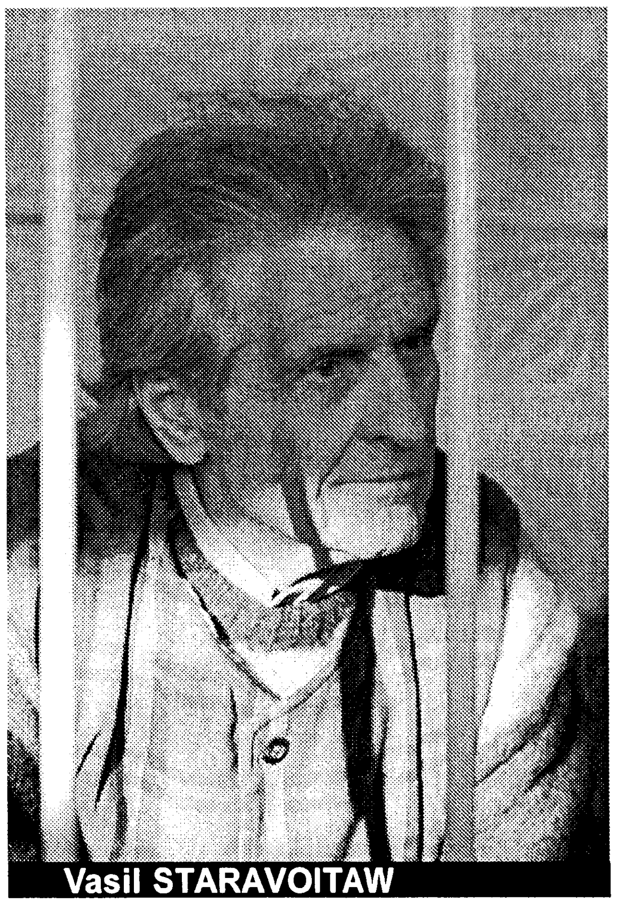
Vasil Staravoitaw celebrated his 75 birthday in the cell of a Babruisk custody prison. He is a two times hero of Social labour, former head of a famous agricultural farm "Rassvet" in Kiraw district, Magilew region. Two weeks before his birthday, on May 28, Kiraw District Court after a year and a half of investigation brought a verdict: 2 years of imprisonment in the colony. Staravoitaw's two former deputies got 5 years of imprisonment: Aleg Shapavalaw, heal of fish farm at an agricultural farm "Rassvet" and Alyaxey Yawstrataw – former head of transport department. According to the verdict, their estate is to be confiscated. Staravoitaw and his subordinates are found guilty of a number of serious economic crimes by a court board.

Now, when this material is being written, Vasil Staravoitaw is expected to be transferred from Babruisk custody centre to colony UZ-15/1 in Minsk. This buil-ding in Kalvaryiskaya Street, known among people as the prison in Apansky Street, "welcomes" the third convict charged after a showtrial. A Malady Front member Alyaxey Shydlowsky did his time in "Apansky Street", Uladzimir Kudzinaw, deputy of the Supreme Soviet, is serving his time there now.

Vera Stramkowskaya, Vasil Staravoitaw's counsel for defence, believes that there is a possibility to get an early suspended sentence. But, as it is known, the Kiraw court had sent some facts from the case for further examination, and under the law convict Staravoytaw hasn't got the right to apply for an early release till the examination is over.

If to look back, a year and a half ago, and to analyse Staravoytaw's case, one can understand its showing and intimidating aim. Any head of an agricultural farm, it makes no difference: a forward or backward one, should be afraid of the regime after a famous case with a two times hero. It's terrifying not only to have one's own personal opinion but also being involved in politics – it's terrifying to anger the allpowerful authorities. If the authorities give short shift to such a famous man as Staravoytaw – what can happen to the rest local officials? Moreover in this country where it's hard to make head or tail of the existing laws and the system of management leaves much to be desired. One can find violations of law everywhere if it has nothing to do with the structure, especially with the people from the presidential administration.

Except preventive intimidation of certain categories of Belarusan people, one of the reasons of Staravoytaw's persecution was a "black" envy. All the journalists, who visited Kiraw district after Vasil Staravoitaw's arrest (by the way, during this announcement one of our colleagues was talking to Vasil Kanstantinavich in his house), marked the exceptional quality of "Rassvet". At the end of the year before last it was the only farm in the district, which paid taxes in time and even increased the volume of production. And it was the only farm where the salary was delayed only twice but not for long. By the way, workers of: "Rassvet" used to get more money than their colleagues in the district. Even in the whole Belarus there were few villagers who lived so or even better.



Vasil STARAVOITAW

Vasil Staravoitaw, who had been managing the farm for 30 years, was famous even in the former Soviet Union – at that time when President Lukashenka tried desperately to increase milk yields in the village of Ryzhkavichi, being head of an average farm "Garadzets" in the neighbouring district. Having studied Lukashenka's traits of character for 5 years, we can only guess what feelings he had when the regional authorities gave him as a good example head of a forward farm "Rassvet" it's interesting that a former regional party leader Vasil Lyavonaw, who used to speak for head of Farm "Garadzets" at the sittings, was sent to prison almost simultaneously with the famous Staravoitaw. Taking into consideration the feeling of forgivingness of an average farm head who became President, all these arrests and then the attempt to connect Staravoitaw and Lyavonaw into one case look like revenge.

From the very beginning of Staravoitaw's case, when in the autumn of 1997 the estate of his family and all farm was sealed up, false information was broadcast. They informed about the arrest – but head of "Rassvet" was still free; radio was airing information about confiscated arms – but they forget to add that the owner has a licence for all that arms. It was pointed out that Vasil Kanstantinavich's son-in-law had the whole range of arms which was later confiscated – after examination in turned out that there was a small-bore fire-arm, a package of bullets for it and a training grenade.

Thus, they didn't tell everything, in fact they falsified the facts. Besides they described property illegally. Several human rights defenders and journalist were detained in Myshkavichi, central village of "Rassvet" during 2 weeks after their attempts to find justice and defend hu-man rights. Later one of the detained newspaper "Zdravyi smysl" editor-in-chief wrote that he had never seen such a number of militiamen in Kiraw district Magilew region as in the autumn of 1997 and he wouldn't be surprised if a tank detachment had been re-stationed to Myshkavichi. Feel how thoroughly they guarded the details of that case from the public.

Along with V.Staravoitaw resignation from head of farm "Rassvet", his arrest and a criminal case against him, the relatives of a two times Hero of Labour started to be persecuted. So during 1998 his children and sons-in-law were brought to trial and were sentenced to different terms. They were being with different offences: illegal arms carrying, economic offences, participation in Staravoitaw's gang... It should be mentioned that all these relatives used to work in different department of "Rassvet".

First, they didn't announce what Staravoitaw was charged with, why he was put to Babruisk custody centre. Only a year after his arrest in October 1998, General prosecutor Aleg Bazhelka at one of the conferences listed all charges to Staravoitaw. Among them, for examp-le, were the following: embezzlement by using a high position with a prior arrangement with a group of people; smuggling, organising of business without state registration; organising of production and sale of non-standard and low-quality alcoholic beverages; swindling of credits, concealing of stock venture "Rassvet" profits; illegal purchase and carrying of arms. The General Prosecutor also called out the sum of costs caused to our country by Staravoitaw. There were milliards of Belarusan roubles and thousands of American dollars.

(To be continued on p.5)

Tragedy on Nyamiga

(Continued from p.1)

were rushing there, pushing one another. They thought that people were coming downstairs slowly. All-sober were the first and later the drink had presses from above. We couldn't breathe. Those, who didn't understand what was going there, were running from behind. All of a sudden everybody cried: "Stand back! Back!" I was in the middle, in front of me – stirs and corpses, then – alive people, pressed closely to one another, then – a heap of corpses, further – people, a little bit further – it can't be seen anything. This tragedy could have been prevented if the militia had simply broke up the crowd, had divided the crowd, the militia saw the people coming... They were simply sitting in the cars and watching... I don't remember how I got out. People started going back from upper stairs as a result there came a stream of air, everybody started breathing. In front of me 2 girls were standing, with whom I got acquainted at the holiday. One of them started to close her eyes. I told her to wait for 5 minutes. I don't remember me getting out but do remember me removing corpses to save her. Later I ran for another girl, her friend, and saved her as well. She was taken to hospital No 4. Blood, marrow on the stairs... Upstairs there were people who didn't understand so far what had happened".

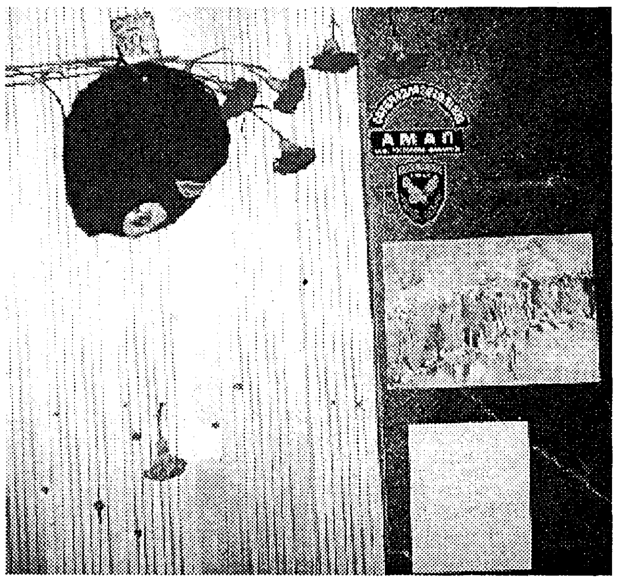
Igar tells *(17 years old, June 2, metro station Nyamiga).* "Subway was open, people couldn't pass because on the stairs everything was packed with corpses, up to the ceiling. They were stumbling, falling one upon another. There were three layers: stairs, then a layer of dead people, then – a layer of alive ones. I walked on corpses, as there was no way out: either a corpse oneself or walk on corpses. People were getting out of subway, they were standing and watching it. Those who could were helping to rescue. At the same time people were suffocating on stairs. I'd like to tell you that the announced number of dead people is too small. Far more people died here. I don't sleep the second night. People were being carried outdoors and were put simply in the mud. They covered faces with a jacket – that's all, later – taken to the militia bus. The tragedy could have been prevented if there had been militia there. None of the militiamen could have expected that it would have happened. There was militia at the holiday, they arrested mainly the drunk. I was on the scene, took part in the competition, got a prize – 8 bats of chocolate".

Valery Novikaw tells *(23 years old).* There were cases of looting. I saw it with my own eyes. It was happening in the following way: a girl is dying, somebody comes up to her as if she is his girlfriend, but he started feeling her pockets. He takes off chains, rings."

Dzmitry Arachewsky tells *(21 years old, student).* "Thanks God, I came to the holiday alone. I had hoped to get acquainted with somebody. There were great queues for beer that's why I crossed Masheraw Avenue and bought some beer on the other side. In shop teenagers were buying not only beer but vodka as well. At the holiday itself there wasn't any excesses at all. But while I was listening to the concert, there was a drunken company behind me – guys were pushing one another. At the holiday I saw one girl whom I liked. She was with another girl. I followed them to get acquainted with them in the subway. But all that started in the passage. Have you seen writing in the passage: "the last 41st stair"? I hadn't reached it, 17 stairs were left. The girl with whom I wanted to get acquainted fell down. She was lying under my feet and was saying something: Either "don't press" or "help me". I didn't understand. People were pressing from behind. I realised I couldn't breath, I was suffocating. At the same time I realised that if I had started to move actively, I could have strangled the girl who fell down. I had such a feeling. I thought if I had fell down I would have been finished. I managed to remain on my feet. There wasn't enough air. First everybody was shouting something... Later one of men decided to shout syllables: "Stand back! Back!" I managed to cry out only several times. I was short of breath. Later people started to move back. It became easier to breathe. I managed to lift that girl and carried her outdoors. I didn't know at that moment that a lot of people suffered... I put her on the grass and rushed in the direction of the holiday. There was nowhere a doctor to be seen, the militia didn't know how to give the first aid... Now I wish I had known how to give the first aid, the artificial respiration and so on and so forth... I believed that this tragedy could have been prevented if the subway have been cordoned off from the outside. 20 militiamen could have been enough. I also think that many of the people ran to the subway not to go home but to wait till the rain was over. Because when it started to rain, it was announced that the concert would go on when the rain was over. I didn't get acquainted with that girl, she was taken to hospital".

Tsimafey tells *(17 years old)*: There were a blood, marrow, and handbags, shoes, documents on the stairs. We didn't look at it what was around. We had to save people. Later came "black berets" (special troops), they cordoned off the subway. One guy came up to them and started to shout: "Bastards, where were you earlier?" They started to beat him up with truncheons.

Tanya tells *(15 years old).* "I didn't see anything, I was suffocating. There wasn't any air. People were dying upright. My friend Masha didn't fall down as well, she died upright but I didn't know that. When people started to move back I went upstairs. I got home myself somehow. Alone. In bus. At about 11 I got home I have a trauma as well. I didn't know, no, no I didn't that Masha died. We had lost each other. I looked at those who were lying, but Masha wasn't seen among them. We could have been taken from the crowd. But we couldn't ask for it. As for me I couldn't speak, because I was suffocating, my eyes were closing. I don't know how they were saving others, but it happened to us in such a way, you see..."



Fragment of the memory wall in the passage of metro station.



Kalvaryiskiya cemetry. Parents of Masha Inkova and Nastsya Sawko near the graves of their children.

Tanya was at the holiday and in the passage together with Masha Inkowa, who died. Only several days after Tanya told her mother that had happened to her, when pelvis area started to ache – there were cracks there. After the tragedy she told Masha Inkowa's parents, that Masha took subway to get home". In spite of a serious psychological trauma, Tanya had to take exams at school together with others. The administration of the school didn't consider it necessary to exempt her, though the girl didn't understand what was written in the handbook. The psychologist who visited Tanya started the talk with questions: "When did you start to drink, to smoke, to date with boys?"

Ganna Ivanawna Inkowa *tells (Masha Inkowa's grandmother – together with a little granddaughter Katya went to church on Trinity, looked for Masha at the holiday to take her but failed...):* "I say: Katya, let's look for Masha. There was loud music there, some shave-headed guys were dancing so that there was dust all around. There was a lot of youth. I say: Katya, look what nice youth we have! They say – we have no future! Look what nice girls, boys are!" But suddenly I saw some of them sitting and drinking. What kind of drinking-bout was it? They were sitting where they could. With big glasses of beer. Old women were walking around gathering empty bottles. I had a look – they were gathering empty vodka bottles! Suddenly a cloud came, it was lightening. But for a child I could have looked around... I think now that I should have come closer to the wall to ask to announce. But Masha wasn't the only one. At 10.30 my son phoned me:

— Mum, is Masha with you?
— No, perhaps she is at her friend.
— No, she isn't. I went to, I looked for her.

At 3 o'clock I was phoned:
— Masha isn't! Masha isn't!
—. Come one, she will come...
— Masha is dead!"

Lena tells *(17 years old, June 15, Kalvaryiskiya cemetery, on Nastya Sawko's grave).* Lena together with Nastya was at the holiday in the passage: "I was almost at the very bottom. There must be 5 stairs left up to the end. There, in front of me, was an obstacle. I didn't see what was it. But there was something. Because further it was free. I came to the holiday together with my friend Nastya. We didn't have any feeling that something could have happened. We were going downstairs together. When the crowd ran I was dragged off, but she left there. I looked around, tried to spot her, but failed. When I got off the passage, started to look for her again, but she was nowhere to be seen. I even asked the militiamen to announce through megaphone. First they brushed aside and told me that she wasn't the only, but eventually they did it. We found her at 6 o'clock on Monday. We looked for her in hospitals. I got home, phoned her mother, first I didn't say anything, simply asked where she was. I was afraid to tell Aunt Anya at once... Later we told her... Aunt Anya controlled herself. We started to ring to all hospitals. We were looking for telephone number because the telephone directory was old enough; we called the ambulance – asked to give the telephone numbers. At 2 o'clock we called to militia and we were told that there wasn't her name among the list of all dead. On the following day I phoned the number, which were given on TV. These numbers didn't answer. First a good call, then somebody took the receiver and hung it. In the militia they started to answer: "We are sick and tired of your Sawko!"

And one more answer to Aunt Anya: "My daughter doesn't go to such events, she is at home!"

She was found at hospital No 10, in the morgue, among unidentified. First they didn't let people go to the morgue, asked to look through the photos. We didn't recognise Nastya in photos. Aunt Anya was allowed to go there, she recognised her. Up to the last moment we cherished the idea that she is at hospital and didn't remember her name. They say, that there are such people. I can't believe even now that there is no Nastya any more..."

There are flowers on the stairs where people were dying. They appeared there on May 31, after the tragedy. Now there is a lot of youth there, who lost their friends and relatives in the passage. The candles are burning, there are wreaths, photos of all those who died, farewell writings on the walls. Masha Inkowa's father, Mikhail Inkow, sculptor, affirms that Nyamiga metro passage must change into a memorial. For that it shouldn't function: people shouldn't go to subway every day on those stairs which were covered with blood. But to close that passage it's necessary to build a new one. All that costs a lot of money.

The authorities, meanwhile, try to get people out of the passage, people, who come here to miss their relatives and friends. They want to make people forget that bloody tragedy.

P. KACHATKOWA

REVENGE AND ENVY

(Continued from p.3)

On November 30 last year a trial started against Vasil Staravoitaw in Kirawsk. The convict was 74 years old and he was taken to court sittings at a distance of 30 km in a metal van at temperatures far below zero. They maintained on purpose a metal cage in the court hall for Staravoitaw's examination of the case. According to witnesses' sayings, earlier, murderers and rapists were brought to trial in the same hall behind a simple wooden barrier. Many observers believe that all these facts testify that the people who give orders and directions intend to humiliate human dignity of an old, respected man, a war veteran, who instead of managing posts in district or regional centre chose the village.

First Vasil Staravoitaw didn't admit himself guilty during the investigation, but later started to admit it partially.

When the trial began the convict looked sick and asked to allow him to "walk under the sun". Obviously, Vasil Kanstantinavich admitted himself guilty in order to quicken his destiny. He believed in justice, though he realised that there are few chances for it in the present regime. In any other country the authorities would speak with people like Staravoitaw not like with a criminal – just the opposite, they create favourable working conditions, noticing success and would imitate his experience.

Besides head of "Rassvet" has never been an active politician in all senses. It's interesting that after his imprisonment Vasil Staravoitaw said that he connects this criminal persecution with expected but undone support to Lukashenka during presidential elections of 1994.

The prosecution represented by a Magilew prosecutor Alexander Kazakevich asked for a 5-year term of imprisonment for Staravoitaw and all his estate should be confiscated, as to his deputies – A.Yawstrataw and A.Shapavalaw – 8 and 10 years correspondingly. In his last speech Vasil Kanstantinavich asked not to convict his subordinates as they were not free in their activities and were inferior to him as head. As to him, he always wished all well to people and to the farm.

He is guilty that at the beginning of 90s, when the old farm system was crushing, he was the first to test by the method of attempts and errors a new method of managing, he was to look for new markets. But as many experts' believe it's impossible to work in the present system without violations of the law. What's the use of telling if in our country one law may contradict another! And the third and the fourth bills appear antedated and all of them must function.

Before bringing a verdict to Vasil Staravoitaw and his deputies, the trial had been consulting for 2 weeks – from 13 till 28 of May. It's interesting that the verdict was printed on computer, though there is not any computer in the building of Kiraw district court. But having a Xerox, V. Stramkowskaya, counsel for defence, couldn't get a copy of the verdict up to the middle of June. It's possible that it had been reprinted, being afraid of a possible row because of a strange origin of the verdict. We wouldn't like to remind that V. Staravoitaw was found guilty under 8 charges (embezzlement of property, bribery, smuggling, concealment of profits, power abuse, exceeding of authority, swindling of credits). The charges under 4 articles of the criminal Code (illegal carrying of arms, violation of business enterprise order, production and sale of low-quality goods) were not proved. Two more episodes from the criminal case are being examined in the prosecutor's office now. One of them is connected with Staravoitaw's family house in the Crimea, and other – Yawstrataw's evidence saying that 3 thousand dollars were given out of a farm fund. One of the witnesses (there were more than 300 people interrogated) says that part of this money was spent on door-locks, window frames, door handles and so on for Staravoitaw's house, the other part head of the farm gave to a hospital reconstruction in Magilew. Participation of clerk of the works, Lawrynawa, who was a witness and brought disaster upon her by giving evidence, is still being examined as well.

It's unknown whether Staravoitaw will be released next autumn owing to continuation of investigation of certain facts. Vera Stramkowskaya says that there is such a hope. So far, the transfer of a 75 year old prisoner to Minsk will bring him a lot of good: in comparison with a closed cell of a custody centre, there the veteran and two times Hero of Labour will be near to the hospital will see the sun in the prison yard and will breath in not free but more fresh air.

V.Stramkowskaya, counsel for defence, told the "The Right to Freedom" reporter that the verdict had come into force and in the near future they would lodge a complaint.

Yana ZDANOVICH

Events Facts Comments

(beginning on p.1)

On 1 June, independent Public Committee on investigation of the causes of the tragedy on the river Nyamiga was created. Lyavon Barshchewsky, acting chairman of the Belarusan Popular Front, and Vintsuk Vyachorka were the initiators of creation. The Committee made a statement accusing the Lukashenka's regime of what had happened on 30 May on the river Nyamiga. Next day following the creation of the Committee in the headquarters of the BPF the electricity was cut off.

On 1 June, people wearing civilian clothes on the spot of the tragedy caught Paval Znavets, deputy of the 13th Supreme Soviet. They pulled Paval Znavets on the staircase where the day before the tragedy took place. First he was brought to police car and then to police station. Paval Znavets was explained that against him they brought criminal proceedings for «insulting the President».

On 1 June, on the monument to the prisoners of the Brest ghetto in Brest unknown people depicted Fascist swastika. It happened repeatedly. Arkadz Blyakher, chairman of the centre «Holocaust» informed that last time following the same happening police officials said «there is no damages that is why there is no need to kick up a racket»

On 1 June, Brest regional court recognised the strike held by the workers of the Pruzhany municipal amalgamation in April to be illegal. Twenty-four the most active workers were deprived of bonus by the administration. The strike was caused by low wages that is 2 mln roubles (approximately 5 US dollars). It's impossible to maintain a family for this money. In April 120 workers stopped their work and began to strike. The strike lasted one week. It was stopped after administration promised to raise the wages. Having deceived workers the administration brought an action against them and won the case.

On 3 June, the Public Committee on investigation of the tragedy on the river Nyamiga proposed to the Human Rights Centre «Viasna-96» to become a working agency of it. «Viasna-96» addressed through independent press to all people-witnesses of this tragedy for help to investigation.

On 4 June, following the address of the Human Rights Centre «Viasna-96» to people-witnesses of the tragedy to give any information about it unknown people broke the telephone line of «Viasna-96». One day later they managed to find the disrepair and mend it.

On 7 June, State broadcasting company in its programme communicated the falsehood. According to it Malady Front «organised tragedy» on the river Nyamiga. Somebody claimed that members of Malady Front came with vodka and organised the tragedy. There were also head the following speeches in this programme: «I don't understand why we still bear this opposition, this Shushkevich, Bagdankevich, Sharetski and others who prevent us from good living! All they should be hanged! They prevent our President from work!» Calls to exterminate the opposition one can hear repeatedly by radio. It is organised by state authorities to stir up social hatred in the country.

On 11 June, three Magilew residents, who were charged with assassination of Mikalutski and attempt upon the life of Lukashenka, were brought the verdict. Though V.Yanchewski did not plead himself guilty the court had another opinion and sentenced him to 11 years of imprisonment in the strict regime colony. A.Gawrylaw will spend 5 years behind bars. R.Radzikowski was set free in the courtroom though he was found guilty for breaking the Article 213 of the Criminal Code and sentenced to 4 years of imprisonment... Such «uncertain» verdicts indirectly show hesitation and uncertainty of judges. So it is still not clear whether they committed the crime or not.

On 11 June, by reason of the 40 birthday of Uladzimir Kudzinaw Human Rights Centre «Viasna-96» together with representatives of the United Civil Party and Charter-97 held a picketing in defence of political prisoners in Belarus. S.Sharetski and V.Ganchar took part in it.

On 14 June, Y.Skochka, deputy chairman of Malady Front was brought a Verdict – one year of imprisonment with postponement of the verdict by 1 year.

On 14 June, Babruisk City Executive Council banned to hold a picketing against AIDS, which was conducted by members of «Gramadzyanski Forum».

On 14 June, in the morning more than one thousand workers of one of the biggest Magilew's plant – MAZ – started their working day by strike at the entrance lodge of the plant not at their machine tools. The rest three thousand workers and a half joined them being inside the plant. This action was caused by not paying the money for April and May. The administration of the plant satisfied the majority of workers' demands by midday and promised to sell its cars in order to pay off the debts.

On 15 June, the Minsk City Executive Committee did not authorised conducting the meeting devoted to the anniversary of the Fascist German's invasion to the Soviet Union. The Belarusan Popular Front, the United Civil Party and the Belarusan Social-Democratic Party planned to hold the meeting under the slogan «No to War, Fascism and Dictatorship!»

On 15 June, trade union of Vitsebsk entrepreneurs temporally stopped its strike in which 900 members of this trade union took part. It happened after the city authorities satisfied their demands and trade union obtained a guarantee from M.Fedarchuk, deputy chairman of the Oblast Executive Committee.

In June, the Union of Poles in Belarus lodged a complaint ~~againt~~against the policy run by the town' authorities in the field of education. It was aimed at defending children' right to be taught in the Polish Language. The Navagradak District Executive Committee decided not to open first classes in the schools and to build a new school where all the subjects would be taught in the Polish language. So this decision was appealed against. Vasil Alyakhnovich, judge of the Navagaradak's court, considered this suit to be illegal.

On 18 June, in the building of the Central district court of Gomel the hearings of the criminal case against Ya.Murashka, chairman of the Belarusan Helsinki Committee, began. He was charged with breaking the established procedure of conducting assemblies, meetings, rallies and demonstrations (art. 196.1 of the Criminal Code of the Republic of Belarus). Prosecutor I.Khizhanok instituted the criminal case. The reason was as follows: on 11 February Ya. Murashka organised a meeting with Viktar Ganchar, chairman of the Central Election Commission, in the building of educational centre. Article 196.1 is generally turned to account after administrative measures. Before it Ya. Murashka was twice made answerable for breaking the order of holding mass measures (art.167.1 (p.2) of the Administrative Code of the Republic of Belarus). The point is that this year Ya.Murashka has put in about forty applications to the Gomel's City Executive Committee asking permission to conduct pickets against human rights violations. The City Executive Committee either banned it or gave inconvenient place for these purposes (it was somewhere in the City Park or somewhere else, where one could hardly meet a person). Because of it Ya.Murashka was forced to conduct unauthorised pickets. On 19 October 1998, Ya.Murashka held unauthorised picketing in front of the building of the City Executive Committee. For this action he was fined 7 million roubles. It should be mentioned that Ya.Murashka is unemployed and has four children, two of them were recently adopted. Shortage of money brought Ya.Murashka on 7 November 1998 to a market where he tried to sell his placard and in this way hoped to get money to pay the fine. Police officials accepted it as unauthorised picketing not taking into account arguments of Ya.Murashka and ticket for commercial place. For this action Ya.Murashka was sentenced to ten days of administrative detention. The next step done by the authorities was instituting criminal case against Ya.Murashka. On 11 February 1999, long ago-planned seminar on human rights of the Belarusan Helsinki Committee took place in the building of educational centre. Viktar Ganchar being in Gomel was invited to take part in it. But city authorities broke the seminar. According to testimonies given by U Udavenka, M.Lashuk and others on 9 and 10 February Ya.Murashka was on business in Kalinkavichy and didn't take part in arranging the meeting with Viktar Ganchar. It was proved also by permission for leasing the location, which was signed by U.Udavenka. Ya.Murashka took part in the seminar as ordinary participants did but he had an imprudence to sit down to the same table next to Viktar Gan-

char. This fact was emphasised by A.Salawyow, head of the Central district's Administration of Internal Affairs. There were no words about prohibited assembly while policemen broke into location where the seminar was held. More over they didn't draw up reports, as the law required it. Nonetheless during court hearings A.Salawyow changed the picture. He stated that he warned participants of the seminar about this illegal assembly. To Salawyow's mind Ya.Murashka's sitting to the same table next to Viktar Ganchar proves that he was organiser of the meeting with the chairman of the Central Election Commission. The judge Kostrykaw didn't take into account the testimonies of other witnesses and the arguments of barrister and public defenders from "Viasna-96" (Ales Byalatski and V.Stefanovich) and from Belarusan Helsinki Committee (A.Phiodaraw). They asked the judge to stop the criminal case for lack of corpus delicti but failed. Ya.Murashka was recognised guilty and was sentenced to one year of suspended sentence. The barrister is going to appeal to the Gomel's Oblast Court.

On 23 June, the sitting of the deputies of the 13th Supreme Soviet took place in cafe "Maladzik" (moon) in Minsk. Police did several attempts to bring the deputies out of the cafe building and by it to prevent them from sitting. In the end some tens of policemen from special police troops brought the deputies out. Four policemen took out V.Shchukin. The reason of action was ...a bomb. But the working staff of cafe was not brought out. Was it the real reason then?

On 23 June, public "Committee for freedom to Chygir and to Belarus" was set up. The objective of the committee is to get release of prisoners of conscious – M.Chygir, A.Klimaw, U.Kudzinaw.

In June, Uladzimir Nieklyaew, head of the Belarusan Union of writers, left Belarus. From Poland he communicated that Belarusan authorities prepared provocation against him and were going to put him behind bars. For this reason he was forced to leave Belarus. Nieklyaew stated also that he repeatedly tried to get contacts with Belarusan authorities in order to make conditions for rebirth of Belarusan culture but he failed. Now he is sure that higher officials in Belarus hate Belarusan culture and language.

"Mikalutsky's case:" If there are people, we will find articles...

(Continued from p.2)

with Yanchewsky and Tkachow carried out experiments with time fuse, prepared by Tkachow. During three tests Tkachow with a remote receiver was in the car in Raduzhnaya Street, near house No 10, while he together with Yanchewsky, having a transmitter and a radio station with them, were walking around the residency...After his visits to Minsk, on Tkachow's request, he installed a control panel of the given time fuse in his suitcase and together with Tkachow defined its range in Marx Street in Magilew. He understood, that Tkachow needed it for explosion. Then Tkachow gave him a book to study, which was titled "Guide to subversive activities", and later asked him to rate how much explosive is required to explode a water pipe under the road. He confirmed his evidence during the confrontation with V.Yanchewsky and his defence.

R. Radzikowsky gave this book for temporal use.

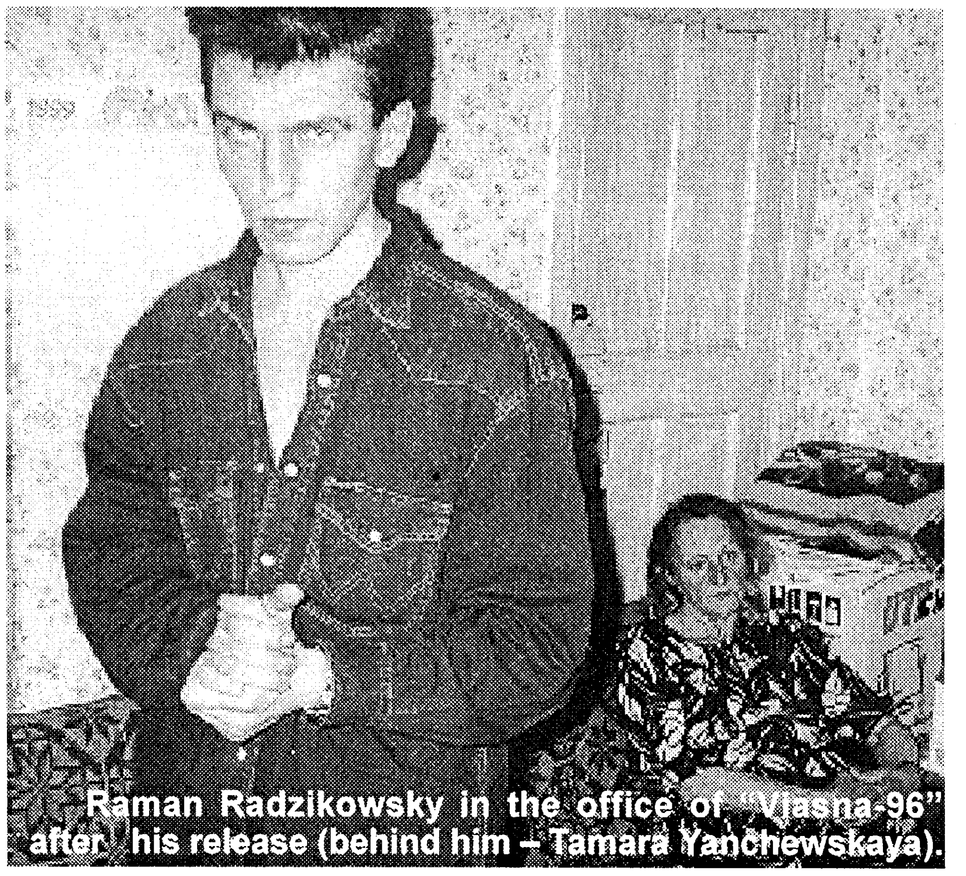
A.Gawrylaw's house was searched and an article with written text in the form of a drawing with arithmetic formulas was found. A. Gawrylaw explained that in this article he on Tkachow's request had rated the quantity of explosive required for making a crater, 2 meters in diameter, if to put explosive in the water pipe which 1 meter under the rood. Having known how many explosives are required, V.Tkachow said that he would find the required quantity for that cause.

After examination of the area between the post and the state dacha "Drazdy" up to the crossing with Masheraw Avenue, there was found 2 water pipes, one of them 80 sm. in diameter at the depth of about 1 meter. There were not any obstacles to get into it.

According to evidence of witness Lyazhenka (senior representative of the Department of Struggle with organized crimes) during his talk with A.Gawrylaw he said that he had planned to carry out a terrorist act against the President after getting a certain sum of money.

The criminal case against V.Tkachow was stopped because of his death.

V.Radzikowsky was charged with selling to V. Tkachow a gun in spring of 1997 and



Raman Radzikowsky in the office of "Viasna-96" after his release (behind him – Tamara Yanchewskaya).

giving him a book about explosive, with the help of which, according to the official version, A.Gawrylaw rated the explosive for a terrorist act against Ya.Mikalutsky.

It's known that during the investigation unlawful methods of interrogation (with the help of psychological means) and tortures were used. Anatol Gawrylaw declared it at one of the court sittings. He said that he had got known about the preparation of terrorist act in Minsk after detective Lyazhenka had told him. Gawrylaw affirmed that he was giving evidence during the investigation under the command of Lyazhenka who was kicking him to give the required evidence. The court didn't pay attention to Anatol Gawrylaw's words. The court board estimated them as "invented excuse in order avoid punishment".

The court board on criminal cases of the Supreme Court of the Republic of Belarus sentenced:

Yanchewsky Victar to 11 years of imprisonment with property confiscation and he has to serve his time in the colony.

Gawrylaw Anatol to 5 years of imprisonment with property confiscation and he has to serve his time in the colony.

Radzikowsky Raman to 4 years of imprisonment. But under paragraph 8 art. 1 and art. 12 of law of the Republic of Belarus "On Amnesty of certain categories of people who committed crimes", R.Radzikowsky was released and his conviction was expunged. R.Radzikowsky was set free in the court hall.

After his release, Raman Radzikowsky together with his fiance Natalya Dzyazhurnaya came to the office of the Human Rights Centre "Viasna-96" to thank for help. Tamara Yanchewskaya – Victar Yanchewsky's mother, came with them as well. Raman Radzikowsky said: "Under law I knew that I would be acquitted and released but the present reality makes people doubt the bringing of a just verdict. Nevertheless, it happened so that I was released and we may say that judge understood the case..."

Victar Yanchewsky's mother is sure that her son is innocent and his imprisonment and sentence are the result of occasional and tragic circumstances. She believes that the sentence is an "awful unjustice". "I thought that a human conscience above all. But, it seems that judge had to obey somebody from the above. He did as he was ordered. I want to appeal through a newspaper to Lukashenka (I dodn't know, what newspaper will publish it), because I will not stop. This sentence is deception, fabrication, and fiction.

Is Mikalutsky's case going to be continues? Because the person who ordered the murder of head of State Control Commission was not mentioned. During investigation they failed to prove direct participation of the convicts in the murder. V.Yanchewsky and A. Gawrylaw pleaded non-guilty.

Palina STSEPANENKA

ALYAKSEI SHYDLOWSKI

EIGHTEEN MONTHS IN HELL

In the middle of November a new prisoner who was slightly mad appeared in our cell. They caught him in the confectionery section eating cakes, when the militia came. With his appearance certain things started to disappear and when this prisoner (by the way, he was Russian, form Saint-Petersburg) was caught red-handed, I saw for the first time the trial against that one, who was at fault. His mattress was put on cement floor and beginning from that moment he slept under the "bar", a little cupboard on the wall. Besides to prevent further robberies, they took his right hand, put it on the table and had been beating his fingers with an iron cup as hard as they could till they were swollen. Out of this incident I drew one more important conclusion: "Don't take anyone else's things when in prison!" By the way, not only steal, but simply take to make use of it, even for 5 minutes.

On November 25 when I completed 3 months in the custody, the counsel for defence visited me again and told me, that soon they would call me to "close the case": it means to transfer it to the court. After that, it's possible that I would be released under condition not to leave the country. I had to wait for a long time to be called. Only on December 10, I together with V.Labkovich was put in the car and was driven in the direction of Stawbtsy.

As I got to know later, it coincided by chance with the run "Zhodzina-Minsk-Stawbtsy" organised by Malady Front. It was brought to Stawbtsy and several hours later there appeared members of Malady Front. In Stawbtsy department of Internal Affairs nobody knew anything about that action and that's why a military unit and all militia patrols were alarmed. They were afraid that they would storm the militia station and just in case took it under reinforced guarding.

At about that time Pavel Sharamet visited my parents, he intended to see me released and even prepared a present for me at my 19th anniversary – a good colour TV. But... the detective hasn't made much progress and decided to organise a confrontation.

Thus, I was left tкte-a-tкte with the man, who had put me in prison – a fireman Valery Iliushyn. I immediately made a counter attack: I told the detective that V.Iliushyn had extorted money from me for his keeping silence and I asked him to institute criminal proceedings against him. The witness was shocked, as he didn't plan to find himself together with me in the dock. He started to contradict himself in evidence and complaint of a bad memory. The confrontation was a failure. It goes without saying that the authorities would not permit Mr. Iliushyn, who was so kind to them – he gave out two BPF members – to be brought to trial. Owing to the lack of evidence, the criminal proceedings against him had not been instituted, but he, in his turn, started to give the evidence, which were helpful for the detective to find me guilty.

V.Labkovich and I were had been kept in Stawbtsy for two days more. It was freezing hard and the cars didn't come. Up to the Catholic Christmas I had enjoyed reading the newspapers, given by my father and eating home-made sausage. Besides I knew that on December 24 in Zhodzina there would be a parcel for me and I could celebrate New Year quite decently.

But they deprived me of that joy. On December 24 my mother came to the meeting and told me that head of local department of Internal Affairs, Shalkevich took those 2 kilos, sent to Stawbtsy, for an 8 kilo parcel...

But my cell-mates gave me a lot of pleasure. They even made a big cake, by the way it seemed to me more delicious that anything I have ever tasted. It was written "Alyaksei is 19" on the cake with the help of self-made cream. By the way at that moment there were 29 people in cell No 12.

Here it's absolutely necessary to remind you of such a phenomenon of custody centres as "prison-post". All cells are interconnected in spite of the prison authority ban. The communication may be organised either through "panorama" (lavatory) or through "tails' (a window). For that cause they made a "horse" – a 7 metre long rope, made of knitted jacket of one of the prisoners.

The neighbouring cell made the same one. When the communication is held through "panorama", they tied weights made of bread to the ends of the rope and such a "horse" is washed away in the lavatory pan. A man holds the other end of the rope in his hands. In the common lavatory pan tube "horses" of two neighbouring cells are mixed up and make the common way. So they write messages, put them into cellophane, then fix them to the rope and give a signal – three or two strokes in the wall of a neighbouring cell. After the signal the neighbours puss the rope and repeat the same procedure.

The communication through the window is just the same – only the ropes are mixed up in the air. Using prison post it's possible to send messages as well as tealeaves, sweets, even fat and cigarettes as well. This is a pure case of prison solidarity. I used to write messages only to two prisoners: Vadzim Kanguk and Valery Buyiok during my stay at Zhodzina and Minsk custody centres.

So New Year passed and the 15 of January came. On that day V.Labkovich and I were again taken to Stawbtsy. Detective Vasil Stsyapanavich Pakin had been looking on the floor for a long time and then said that the case was closed and would be sent to the court. He complaint that he had intended to release us on condition not to leave the country but as he said an hour before there was a telephone call from Minsk and one VIP told him (I cite): "(Using bad language): if you do it, I will show! You will be in prison instead of them!" Everything was clear.

Having read the case I got to know some interesting thing. Firstly, Vadzim and I were charged with all possible types of malicious hooliganism in order to be sure and not to fail the case. Secondly, there was a suit under which were to pay 6 million roubles (the 1997 summer prices): the state demanded to compensate for expenses of our graffiti. Maybe except for the required sum of money, needed for repainting the wall, some more families of heads of enterprises painted their own houses. Thirdly, in accordance with the resolution, V.Labkovich and I, we will face the trial under three articles of the Criminal Code: 201.2 (malicious hooliganism), 225.2 (damage to monuments) and 186 (disregard to symbols). There was one month left before the trial. We were taken Zhodzina again and were warned that two weeks later we would be transferred to Minsk, to "Valadarka" (prison). During the last day of our stay we tasted again rubber truncheons and were in the cell with the temperature below zero. One of the prisoners broke the window by chance and the militiamen had refused for 8 days to fit it with glass. In the evening, when it was freezing outside, we were afraid to go to bed. For fear of being dead-frozen.

But the fortune saves me out of this hell. At night on February 4 I was ordered to prepare my personal belongings and be ready for departure.

Being convoyed for the last time in Zhodzina custody centre, I wanted to smile. I realised that there would be much bad ahead, but at the same time I realised that it wouldn't be worse. My last "monologue" written on a wooden bench in the cell was the following: "Good-bye, Zhodzina! I had spent here almost 5 months. I hate it and will always remember. I was beaten up here and mocked, but only here I realised how beautiful life is when you are free". Freedom should be written with the capital letter. One can feel it only behind bars. Here I got stronger in my mind, but at the same time I lost a lot of health...

Good-by "Black Stork!" Forever!

(To be continued)

(Continuation. Beginning in №№ 31-34)

The Right to Freedom. The Bulletin of the Human Rights Centre "Viasna-96". Address: 220007, Minsk, p/b 88. E-mal:rights@v96.open.by Published twice a month in Belarusan, English and Russian languages. Circulation 299 copies. Editor-in-Chief Ales BYALATSKY.

In this number pictures by A.Karpovich and photos from the Centre "Viasna-96" archives are used.